

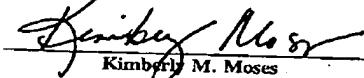
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. END-897 DIV2

Applicants : Seth A. Forester et al. **RECEIVED**
 Serial No. : 10/734, 671 CENTRAL FAX CENTER
 Filed : December 12, 2003 Art Unit: Not Assigned JUL 26 2004
 For : METHODS AND DEVICES FOR DEFINING
 AND MARKING TISSUE Examiner: Not Assigned

OFFICIAL

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 United States Patent And Trademarks Office.


 Kimberly M. Moses 7-26-04
 Date

Assistant Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set

forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with the first or second After Final Submission, therefore:

Statement in Accordance with §1.97(e) (attached); or

Please charge Deposit Account No. 10-0750/END-897DIV2/GSG the fee of \$180.00 as set forth in §1.17(p).

In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

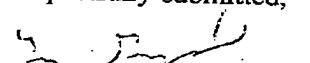
Statement in Accordance with §1.97(e) (attached); or

Please charge Deposit Account No. 10-0750/END-897DIV2/GSG the fee of \$180.00 as set forth in §1.17(p).

Copies of references listed on the attached Form PTO-1449 are not included under 37CFR 1.98(d) where the references have been cited in US Patent Application 09/776,125 to which the application claims priority.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/GSG/END-897 DIV2.

Respectfully submitted,



Gerry S. Gressel

Reg. No. 34,342

Attorney for Applicants

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933
Phone (513) 337-3535
Date: July 26, 2004

PTO/SB/08A (08-00)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

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Sheet 1 of 5

Application Number

10/734,671

Filing Date

December 12, 2003

First Named Inventor

Seth A. Foerster, et al.

Group Art Unit

Not Assigned

Examiner Name

Not Assigned

Attorney Docket Number

END-897 DIV 2

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code ² (if known)			
		4,248,214		Hannah, et al.	02-03-1981	ALL
		4,541,438		Parker, et al.	09-17-1985	ALL
		4,592,356		Gutierrez	06-03-1986	ALL
		4,774,948		Markham	10-04-1988	ALL
		4,799,495		Hawkins, et al.	01-24-1989	ALL
		4,813,422		Fisher, et al.	03-21-1989	ALL
		4,817,622		Pennypacker, et al.	04-04-1989	ALL
		4,852,568		Kensey	08-01-1989	ALL
		4,966,583		Debbas	10-30-1990	ALL
		4,986,279		O'Neill	01-22-1991	ALL
		5,014,713		Roper, et al.	05-14-1991	ALL
		5,018,530		Rank, et al.	05-28-1991	ALL

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T ⁶
		Office ³	Number ⁴	KindCode ⁵				
		EP	0 894 503	A2	Stinson	08-06-1998	ALL	
		PCT	00/38579	A2	Sirimanne, et al.	12-23-1999	ALL	

Examiner Signature		Date Considered	
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¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Sheet 2 of 5

Application Number	10/734,671
Filing Date	December 12, 2003
First Named Inventor	Seth A. Foerster, et al.
Group Art Unit	Not Assigned
Examiner Name	Not Assigned
Attorney Docket Number	END-897 DIV 2

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		Number	Kind Code ² (if known)			
		5,080,655		Haaga	01-14-1992	ALL
		5,083,570		Mosby	01-28-1992	ALL
		5,158,084		Ghiatas	10-27-1992	ALL
		5,195,988		Haaga	03-23-1993	ALL
		5,197,482		Rank, et al.	03-30-1993	ALL
		5,221,269		Miller, et al.	06-22-1993	ALL
		5,325,857		Nabai, et al.	07-05-1994	ALL
		5,334,216		Vidal, et al.	08-02-1994	ALL
		5,353,804		Kornberg, et al.	10-11-1994	ALL
		5,388,588		Nabai, et al.	02-14-1995	ALL
		5,394,886		Nabai, et al.	03-07-1995	ALL
		5,409,004		Sloan	04-25-1995	ALL

FOREIGN PATENT DOCUMENTS

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		Office ³	Number ⁴	KindCode ⁵				

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Sheet 3 of 5

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<i>Filing Date</i>	December 12, 2003
<i>First Named Inventor</i>	Seth A. Foerster, et al.
<i>Group Art Unit</i>	Not Assigned
<i>Examiner Name</i>	Not Assigned
<i>Attorney Docket Number</i>	END-897 DIV 2

Examiner Initials	U.S. Patent Document		U.S. PATENT DOCUMENTS		
	Cite No	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		5,423,321	Fontenot	06-13-1995	ALL
		5,467,780	Nabai, et al.	11-21-1995	ALL
		5,479,936	Nabai, et al.	01-02-1996	ALL
		5,483,972	Nabai, et al.	01-16-1996	ALL
		5,487,392	Haaga	01-30-1996	ALL
		5,517,997	Fontenot	05-21-1996	ALL
		5,526,822	Burbank, et al.	06-18-1996	ALL
		5,556,410	Mittermeir, et al.	09-17-1996	ALL
		5,571,182	Ersek, et al.	11-05-1996	ALL
		5,647,374	Cutrer	07-15-1997	ALL
		5,660,185	Shmulewitz, et al.	08-26-1997	ALL
		5,795,308	Russin	08-18-1998	ALL

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